STATE OF CALIFORNIA WATER RESOURCES CONTROL BOARD DIVISION OF DRINKING WATER

TO:

Paradise Water System

7457 Superior Road

Bakersfield, CA 93314

Attn:

Bonnie Burgess, Owner

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64426.1(b) - WATER SYSTEM NO. 1503194 TOTAL COLIFORM MCL FAILURE May 2014 CITATION NO. 03-19-14C-016

Issued on September 26, 2014

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Paradise Water System (hereinafter, Water System) (7457 Superior Road, Bakersfield, CA 93314) for

violation of California Code of Regulations (CCR), Title 22, Section 64426.1 subsection (b)(2).

STATEMENT OF FACTS

Paradise Water System (hereinafter Water System) is classified as a non-transient noncommunity water system and serves a population of approximately 31 persons through 14 service connections. The Water System has one active source of supply, Well 01 (PS Code: 1503194-001), and a 3000-gallon pressure tank. No treatment is provided to the well water. The Water System operates under the authority of a domestic water supply permit [No. 03-19-11P-004] issued on June 8, 2011, by the State Department of Public Health, now State Water Resources Control Board.

- The Water System is required to collect one (1) bacteriological sample per month, in accordance with its approved bacterial sample siting plan.
- One (1) routine bacteriological quality sample collected on May 29, 2014, from the distribution system, tested positive for total coliform bacteria.
- One (1) repeat bacteriological sample collected on May 30, 2014 from the distribution system (from the original total coliform positive site) tested positive for total coliform bacteria. The Water System failed to collect the required number of four (4) repeat samples. [Section 64424(a)(2) Authorities]
- Paradise Water System failed the total coliform maximum contaminant level (MCL) for May 2014 [Section 64426.1(b)(2), Authorities].
- One (1) sample collected on June 26, 2014 from Well 01, for compliance with the Ground Water Rule, tested negative for total coliform bacteria. The Water System failed to collect the Ground Water Rule sample within 24 hours of

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notification of the routine total coliform positive sample, collected on May 30, 2014, from the distribution system. [Section 64430, *Authorities*]

- None of the bacteriological quality samples collected in May 2014, from the distribution system or the system well, tested positive for E.coli bacteria.
- On June 18, 2014, the Division received laboratory reports indicating the total
 positive coliform samples collected in May 2014. The Water System failed to
 notify the Division of the total coliform MCL failure within 24 hours.
 [Section 64426(b)(1), Authorities]
- On July 11, 2014, the Division emailed a public notice and Proof of Notification form to the Water System, for the May 2014 total coliform MCL failure.
- To date, the Division has not received a signed copy of the public notice or Proof of Notification. [Section 64469(d), Authorities]
- The Water System failed to comply with the Tier 2 public notification requirement. [Section 64463.4, Authorities]
- On July 11, 2014 an investigation report template was emailed to the Water System for the May 2014 total coliform MCL failure.
- To date, the Division has not received a completed Investigation Report from the Water System. [Section 64426(b)(2), Authorities]
- Five (5) routine samples were <u>not</u> collected in June 2014, following the May 2014 total coliform MCL violation. The Water System collected only one
 (1) routine bacteriological sample in June 2014. [Section 64424(d), Authorities]
- Four (4) routine bacteriological samples collected in July 2014, tested negative for total coliform bacteria.
- One (1) routine bacteriological quality sample collected on August 29, 2014,
 tested negative for total coliform bacteria.

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Results of all bacteriological samples collected from January 2014 to August 2014 are summarized in Attachment A.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

- Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:
 - Preparing, issuing, and monitoring compliance with, an order or citation. (1)
 - (2) Preparing, and issuing public notification
- The department shall submit an invoice for these enforcement costs to the public (b) water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section."...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

- If the department determines that a public water system is in violation of this chapter "(a) or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.
- Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.
- For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).
- For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).
- Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:
 - For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.
 - For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.
- For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an

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amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

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- "(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
 - (1) Directing compliance forthwith.
 - (2) Directing compliance in accordance with a time schedule set by the department.
 - (3) Directing that appropriate preventative action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
 - (2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

Monthly Population Served	Service Connections	Minimum Number of Samples
25 to 1000	. 15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64424 establishes the repeat sampling requirements, and states in relevant part:

- "(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.
 - (1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

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(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within the 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or

downstream unless there is no upstream and/or downstream service connection.

(c) If one or more samples in the repeat sample set is total-coliform positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in 64426.1 has been exceeded and notifies the Department.

- (d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total-coliform positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the Department waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:
 - (1) The Department conducts site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.
 - (2) The Department determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with 64426.1."

CCR, Title 22, Section 64426 establishes the significant rise in bacteriological count and states in relevant part:

- "(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:
 - (1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive samples in the repeat sample set;
 - (2) A system has a sample which is positive for fecal coliform or E. coli; or
 - (3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in 64426.1.
- (b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:
 - (2) Submit to the Department information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:
 - (A) Current operating procedures that are or could potentially be related to the increase in bacterial count;
 - (B) Any interruptions in the treatment process;
 - (C) System pressure loss to less than 5 psi;

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- (D) Vandalism and/or unauthorized access to facilities;
- (E) Physical evidence indicating bacteriological contamination of facilities;
- (F) Analytical results of any additional samples collected, including source samples;
- (G) Community illness suspected of being waterborne; and
- (H) Records of the investigation and any action taken."...

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

- "(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.
- (b) A public water system is in violation of the total coliform MCL when any of the following occurs:
 - (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
 - (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
 - (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
 - (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.
- (c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

CCR, Title 22, Section 64463.4 contains the requirements for Tier 2 Public Notice and describes when Tier 2 public notice shall be required, and states in relevant part:

- "(a) Each water system shall give public notice pursuant to this section if any of the following occurs:
 - (1) Any violation of the MCL and treatment technique requirements, except:
 - (A) Where a Tier 1 public notice is required under section 64463.1, or
 - (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
 - (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
 - (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 17 and 17.5, for which the Department determines that a Tier 2

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rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

- (4) Failure to comply with the terms and conditions of any variance or exemption in place.
- (b) Each water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
 - (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;...
- (c) Each water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
 - (1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by
 - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
 - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
 - 1. Publication in a local newspaper;
 - 2. Posting in conspicuous public places served by the water system, or on the Internet; or
 - 3. Delivery to community organizations.
 - (2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
 - (A) Posting in conspicuous locations throughout the area served by the water system; and
 - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
 - 1. Publication in a local newspaper or newsletter distributed to customers;
 - 2. E-mail message to employees or students;
 - 3. Posting on the Internet or intranet; or
 - Direct delivery to each customer."

CCR, Title 22, Section 64465 contains the requirements for Public Notice Content and Format and states in relevant part:

- "(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
 - (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
 - (2) The date(s) of the violation or occurrence;

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(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;

(5) Whether alternative water supplies should be used;

(6) What actions consumers should take, including when they should seek medical help, if known;

(7) What the water system is doing to correct the violation or occurrence;

(8) When the water system expects to return to compliance or resolve the occurrence;

(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;

(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language; "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly... You can do this by posting this public notice in a public place or distributing copies by hand or mail"...

CCR, Title 22, Section 64469 contains the requirements for Reporting and states in relevant part:

"...(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under 64463.7(d), each water system shall submit a certification to the Department that is has done so, along with a representative copy of each type of public notice given."

Addendum A: California Ground Water Rule – A reference to text adopted pursuant to Section 64430 and states in relevant part:

Federal Register – Section 141.402(a)(2) Sampling Requirements: A ground water system must collect, within 24 hours of notification of the total coliform-positive from the distribution system, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected, except when representative groundwater source monitoring has been approved by the Department.

§64426. Significant Rise in Bacterial Count.

(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:

(1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive repeat samples in the repeat sample set;

(2) A system has a sample which is positive for fecal coliform or E. coli; or

(3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in §64426.1.

(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:

(1) Contact the Department by the end of the day on which the system is notified of the test result or the system determines that it has exceeded the MCL, unless the notification or determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours.

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DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Division determines that the Water System has violated the following:

- 1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for May 2014, when more than one sample tested positive for total coliform bacteria.
- 2. CCR, Title 22, Section 64426.1(c); Specifically, the Water System failed to notify the Division of the total coliform MCL failure in May 2014.
- 3. CCR, Title 22, Section 64463.4(b) and 64463.4(c); Specifically, the Water System failed to give public notice to persons served by the Water System. Based upon the above Statement of Facts and Authorities, the Division determines, pursuant to CCR, Title 22, section 64463.4(b), that a Tier 2 Notice is required.
- 4. CCR, Title 22, Section 64469(d); Specifically, the Water System failed to provide proof of notification to the Division.
- 5. CCR, Title 22, Section 64426(b)(2); Specifically, the Water System failed to submit an investigation report to the Division for the total coliform MCL failure in May 2014.
- CCR, Title 22, Section 64424(a); Specifically, the Water System failed to collect the required number of repeat samples within 24 hours of notification from the contract laboratory.
- 7. CCR. Title 22, Section 64430, [Federal Register Section 141.402(a)(2)]; Specifically, the Water System failed to collect a source water sample within 24 hours of notification of a routine total coliform positive distribution system sample, for compliance with the Ground Water Rule.

The above violations are classified as non-continuing violations.

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DIRECTIVES

The Paradise Water System is hereby directed to take the following actions:

- 1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64424(a), 64426(b)(2), 64426.1(b)(2), 64426.1(c), 64430, 64463.4(b), 64463.4(c), and 64469(d) of Title 22, California Code of Regulations.
- 2. By October 3, 2014, the Water System shall notify all customers of the total coliform MCL failure for May 2014, and by October 10, 2014, submit to the Division a signed copy of the public notice, along with the Proof of Notification. If notification has already been provided, the Water System shall submit a signed copy of the public notice and/or proof of notification to the Division by October 3, 2014.
- 3. In the future, the Water System shall collect the required number of repeat samples within 24 hours of receipt of notification of a positive total coliform sample from its contract laboratory.
- 4. In the future, whenever a routine total coliform positive sample is collected from the Water System, the following month, five (5) routine distribution samples shall be collected.

- 5. In the future, whenever a routine total coliform positive sample is collected from the Water System, a sample shall be collected from the system well within 24 hours of notification of the total coliform positive sample, for compliance with the Ground Water Rule.
- 6. The Water System shall reimburse the Division, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).
- 7. Any document requested by the citation shall be submitted to the following address:

Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer State Water Resources Control Board, Division of Drinking Water 4925 Commerce Drive, Suite 120 Bakersfield, CA 93309

FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Division to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Division; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Division. The Division does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This citation shall apply to and be binding upon Paradise Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Paradise Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Division does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

Sep. 26,2014 Date

Jaswinder S. Dhaliwal, P.E.

Senior Sanitary Engineer

Tehachapi District

SOUTHERN CALIFORNIA BRANCH

Attachments

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Attachment A: Bacteriological Summary January 2014 through August 2014

cc: Kern County Environmental Health Services Department (w/o attachments) Sampler

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Attachment A

Paradise Water System

<i>1503194</i>	1	Distrib	ution S	ystem F	req: 1/M			
Sample Date	Time	Location	T Coli	E Coli	F Coli Type	Cl2	Violation	Comment
1/27/2014	13:10	21038 Burgess Ct.	Α	Α	Routine	A many professional and the second a		•
2/27/2014	14:05	20950 Burgess Ct.	Α	Α	Routine			
3/28/2014	10:34	21037 Burgess Ct.	Α	Α	Routine			
4/28/2014	14:00	20943 Burgess Ct.	Α	Α	Routine			
5/29/2014	7:45	21025 Burgess Ct.	P	Α	Routine			
5/30/2014	11:30	21025 Burgess Ct.	P	Α	Routine	•	MCL	Citation #03-19-14C-016
6/2/2014	7:45	21035 Burgess Ct.	Α	Α	Repeat		•	
6/26/2014	11:15	21038 Burgess Ct.	Α	Α	Routine	•		
6/30/2014		1 of 5 ROU sampl					MR4	Citation #03-19-14C-016 issued
6/30/2014		Collected only 1 R			•		MR5	Citation #03-19-14C-016 Issued
7/21/2014	13:17	20939 Burgess Ct.	Α	Α	Routine			٠.
7/21/2014	13:20	Johnson21025 Bur	Α	Α	Routine	٠.		
7/21/2014	13:31	20950 Burgess Ct.	Α	Α	Routine			
7/21/2014	13:37	20943 Burgess Ct.	Α	Α	Routine			
8/29/2014	10:50	21037 Burgess Ct.	Α	Α .	Routine			

Paradise Water System

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Source Monitoring Freq:

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